

**SUPPLEMENTARY
DRAFT ANIMAL WELFARE BILL**

**SELF HELP GROUP
REPLY TO THE RSPCA's AW161(d)**

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**SUPPLEMENTARY
DRAFT ANIMAL WELFARE BILL**

SUMMARY OF SELF HELP GROUP'S REPLY TO AW161(d) from RSPCA

A copy of the figures supplied by the RSPCA to Mr Hendry MP, on which the SHG evidence was based, is attached. It is immediately obvious that the figures are completely different to those now given by the RSPCA in AW161(d). This highlights our concerns over accepting RSPCA statistics. There was only a short period of time between the two sets of figures being produced but they appear incompatible. This is not the first time that the RSPCA has published very different figures for the same time period. In 2002, for example, the RSPCA Annual Report said there were 910 defendants, but the RSPCA figures for the Launch of the Animal Welfare Bill gave the figure as 1006. Similarly at the Launch 768 people were said to have been found guilty, but the RSPCA submission says that 910 were found guilty.

To help the Committee we would make the following comments on the RSPCA submission about their second set of figures

Para 1 The percentage of all defendants that appealed given now by the RSPCA is consistent with the value of 3.34% of all defendants (no matter what their plea) obtained from the figures given to Mr Hendry. Far from suggesting that the SHG figures are flawed, this makes it more likely that the SHG figures are correct.

The most significant problem with the second RSPCA figures is the assumption they make that if a defendant faces more than 1 charge, and subsequently appeals, then they were only ever successful in appealing sentence. There are no grounds for that assumption. A defendant found guilty in the Magistrates Court in relation to 2 animals is just as likely to have a successful appeal of both charge and sentence for 1 animal but be completely unsuccessful for the other as they are to be unsuccessful in both appeals against verdict but successful in both appeals against sentence. The RSPCA assumption is unfounded.

The statistics in the SHG submission were based on defendants appealing their conviction, not those just appealing a sentence, for which the RSPCA has never produced the figures.

Whilst it is true that the Courts decide the sentence, in all RSPCA cases the RSPCA seek (and are almost always granted) leave to address the Court on the 2 vital aspects of sentence, namely confiscation and banning orders. They also campaign nationally and address local groups of magistrates on these issues. We are unaware as to whether the CPS also addresses meetings of magistrates on the subject of sentencing, although national advice is given by the Lord Chancellor.

Para 2 It is not helpful to introduce allegations of dishonesty in such a forum. The original SHG figures are entirely consistent with the RSPCA figures supplied to Mr Hendry MP, assuming that the figure of 928 defendants given in the 2003 Trustees Report is correct.. Whether Mr Hendry MP or the Committee were supplied with misleading figures will be for the Committee to decide.

Not until a proper independent database is compiled can completely valid conclusions be drawn, but in the meantime decisions over the Bill should be taken with care.

Para 3 Conclusions have to be based on the figures available. It seems unfair to criticise reliance on the only official statistics available, especially when that criticism comes from a body that has produced two such different sets of statistics in the space of weeks.

Para 4 This is again based on unproven assumptions over multiple appeals.

Para 5 This is not valid reasoning. The enormous number of CPS prosecutions covers a great range of case types, and they do not only prosecute offences that are easy to prove. It may be that they only prosecute cases that satisfy their criteria over public interest, quality of evidence etc but that is another matter. The figures in the SHG submission were for CPS cases dealt with in their entirety by the Magistrates Courts, and did not include cases committed to the Crown Court.

Para 6 This highlights again the need for proper figures before making judgements. The RSPCA appear to be suggesting that different values and criteria should be applied to animal related cases than to all other prosecutions. This is a very dangerous concept in law. Justice is based on the fact that the same standards of evidence of proof are applied to all defendants and to all offences. We do not let the CPS apply easier standards to murder cases than to driving offences just because they might be considered more abhorrent.

Para 7 If the RSPCA produce their figure for a different time period than the CPS, Lord Chancellor etc then we would suggest that the onus is on them to change their system so that they are compatible, not the other way around.

We are puzzled as to why the RSPCA does not want to compare their trial to conviction rate to that of the CPS. One obvious reason for their claim would be that having applied proper criteria, in particular the evidence disclosed by the Defence, the CPS does not always take a case to trial, whereas it is precisely the failure to apply those criteria and instead to proceed to trial in almost every case which results in the appeal discrepancies in RSPCA cases.

It might be significant that the Scottish Society for the Prevention of Cruelty to Animals, which has to present its cases to the Procurator Fiscal, lodged 34 cases in 2003 and had 16 cases dealt with by the Courts. This compares with the CPS figure in the UK quoted by the RSPCA of 78.9%. It is the RSPCA, who do not submit their proposed cases to any independent scrutiny, whose figures are out of line with expectations. The discrepancy in scrutiny may well reflect both the high number of not guilty pleas in RSPCA cases and the successful appeals against RSPCA prosecutions. It is not thought that there were any successful appeals against SSPCA prosecutions in Scotland in 2003.

Supplementary – Draft Animal Welfare Bill

SHG's response to the comments made by the Royal Society for the Protection of Animals {RSPCA} within their written reply to the EFRA Committee's request for the RSPCA's comments on the assertions made by us, {SHG} that, "*whilst the RSPCA may have a 96% conviction rate in its prosecutions compared with 98% for the Crown Prosecution Service {CPS}, the number of defendants who appeal convictions in the magistrates' courts is 26 times greater for RSPCA prosecutions than for CPS prosecutions and that the number of successful appeals is two times greater in RSPCA cases than CPS cases.*" {from RSPCA submission entitled AWB161(d)}.

Prior to responding to the RSPCA's allegations, we must advise the Committee that further and more comprehensive analysis of data relevant to the year 2003, indicates that upon a percentage basis:-

- the number of defendants who pleaded not guilty in prosecutions brought by the RSPCA is almost **3 times greater** than that in prosecutions brought by the CPS
- the number of defendants who pleaded not guilty and were found not guilty in prosecutions brought by the RSPCA is **10 times greater** than in prosecutions brought by the CPS
- the number of defendants who appealed in prosecutions brought by the RSPCA is almost **3 times greater** than in prosecutions brought by the CPS.
- the number of defendants who were successful in their appeals in prosecutions brought by the RSPCA is over **4 times greater** than successful appeals in prosecutions brought by the CPS

1 Our response to the comments made by the RSPCA within their written reply to the EFRA Committee and as referenced in the opening paragraph above.

Within their reply the RSPCA state that the SHG figures are:-

- "*seriously flawed*"
- "*wrong and dishonest*"
- relative "*to all magistrates' court cases and not just those brought by the CPS*".
- "*to a large extent .. irrelevant*" as regards the number of defendants who appeal against conviction

We, the SHG, vehemently and entirely refute the RSPCA's allegations that the figures supplied by us to the EFRA Committee were "seriously flawed" and "dishonest". We respond as follows:-

Despite the SHG's {and others'} repeated requests, the RSPCA have consistently declined to make any disclosure {let alone *full* disclosure} as regards their prosecution, plea, conviction, acquittal and appeal figures.

Seemingly the only official figures freely available to the general public are those contained within the RSPCA's 2003 Trustees Report and 2002 Annual Report {see **Charts 3 & 4** attached hereto}. However, the only relevant figures contained within such reports are those which come under the heading "Cruelty statistics" and list only figures for "Prosecutions", "Convictions", and "Defendants". These are not only entirely insufficient for the purpose of any form of meaningful analysis but also, in consequence of their falling beneath the heading "Cruelty statistics", are persuasive for the reader believing that such figures are total and all encompassing {for surely, the number of "defendants" within a table entitled "Cruelty statistics" can only be the *total* number of defendants who were actually

prosecuted for alleged animal welfare infringements (as opposed to the number of defendants who were prosecuted and subsequently found guilty of such); unless, that is, the RSPCA seek to ‘massage’ the general public’s perception of fact}.

This clouded position is further exacerbated by the differing figures now disclosed. We cite, for example the following for the year 2002:-

Number of Defendants:	910 {quoted within the RSPCA’s Annual Report – see Chart 4 }
	1,006 {quoted in paragraph 5 within page 74 of the “Launch of the Animal Welfare Bill” – Chart 5 }
Number of Defendants found guilty	910 {quoted within the RSPCA’s submission AW161(d)
	768 {quoted in paragraph 5 within page 74 of the “Launch of the Animal Welfare Bill” – Chart 5 }

These not inconsiderable disparities make it not only virtually impossible for outside parties accurate analyse and/or investigate the RSPCA prosecution figures, but also mislead and confuse the public in general.

The figures quoted to the Committee by the SHG were based and calculated upon figures eventually supplied by the RSPCA’s Director General Ms. Jackie Ballard {in writing upon official RSPCA paperwork and authenticated by her signature} for the year 2003 to a Member of Parliament, and thus leaving no doubt whatsoever for such figures’ accuracy or authenticity {see **Exhibit 1 & Chart 1**}.

These figures were as follows:

149 defendants pleaded not guilty; 33 defendants were found not guilty; 31 defendants appealed their conviction; 17 defendants were successful in their appeal.

The RSPCA’s published “Trustees Report for 2003” {see **Chart 3**} evidence there having been 928 defendants in 2003.

Simple calculation therefore reveals that at magistrates’ court,:-

779 defendants pleaded guilty (928 total defendants less 149 who pleaded not guilty) being 83.94% of total defendants

895 defendants either pleaded guilty or were found so to be (779 plus the 116 who pleaded not guilty but found guilty (see the next entry) and being 96.44% of the total 928 defendants.

116 defendants pleaded not guilty but were found guilty (149 less 33)

Of these (116 defendants) 31 defendants appealed their conviction at Crown Court (see Exhibit 1 & Chart 1); being 26.72%

Of these (31 defendants at Crown Court) 17 defendants were successful in their appeal (being 54.84% of those who appealed); and

14 defendants were unsuccessful in their appeal (being 45.16% of those who appealed)

We therefore assert that the figures presented to the EFRA Committee by the SHG were entirely accurate; namely that, based upon authenticated information supplied by the RSPCA’s Director General, J. Ballard, 26.72% of defendants who pleaded not guilty but found guilty appealed conviction and 54.84% of these appeals were successful.

Notwithstanding, and now having more detailed information to hand, we do accept the RSPCA’s contention that the number of such appeals is indeed 3 times greater in prosecutions brought by the RSPCA than those brought by the CPS.

In their reply to the EFRA Committee, the RSPCA state: *“Statistically valid comparisons can be made only by comparing RSPCA conviction rates with CPS (and other prosecuting bodies) conviction rates for animal related offences”*.

We are of the opinion that conviction rates reflect properly progressed cases wherein evidence is both properly brought and of sufficient weight to prove guilt beyond reasonable doubt. They are a measure or indication of justice and we cannot really see any relevant difference in the process involved in bringing a prosecution for theft, drugs, etc. to those involved in animal welfare cases.

The RSPCA also state: *“To a large extent, the number of defendants who appeal conviction is irrelevant”*.

Surely, the number of appeals reflects the dissatisfaction felt by defendants’ counsel; and we have no doubt whatsoever that were there no such appeals the RSPCA would be hoisting the flag of total ‘righteousness’. Clearly, the number of defendants appealing is indeed of relevance.

Also included in their reply to the EFRA Committee, the RSPCA state: *“Second, a prosecutor is not allowed to address the court on the issue of sentence. It is a matter decided purely by the magistrates having heard representations from the defendant. Therefore, a reduction in sentence cannot in any way reflect upon the propriety of bringing a prosecution in the first place or its conduct”*.

It is a matter for known and absolute fact that the RSPCA attempt to influence Magistrates by *“writing articles in the Magistrates’ own journals and attending their seminars and briefing them on their responsibilities”* {Quote from Peter Davis, Director General of the RSPCA 1996} They ask for tougher sentences both in the media and in court. Possibly this is one of underlying causes as to why not only did 26.73% of defendants who pleaded not guilty but found guilty appeal conviction, but also, and importantly, 54.84% of these appeals succeeded.

The RSPCA, when comparing the 98% conviction rate in CPS cases with the 96.6% for those brought by the RSPCA, state *“the 98% figure compares all CPS cases, which go to trial, with the number of those cases which result in a conviction. If one compares all CPS cases (and not just those that go to a full trial) with those cases which result in a conviction, the figure is 78.9%.”*

This statement is at best misleading and, at worst, untrue. The total number of defendants who went to trial in CPS prosecutions in the year 2000 was 1,358,800 {see **Charts 6, 7 & C**}. Of these, 1,272,900 were dealt with in the magistrates’ court; 976,300 resulting in conviction. This equates to a 98.37% conviction rate at magistrates’ court and does not take into consideration those cases that were committed to a full trial at Crown Court.

2. **Our further analysis of the available data.**

Whilst wishing to analyse like to like as regards the relevant figures for specific years, lack of disclosed information results in our only being to give meaningful comparisons of RSPCA and CPS prosecutions for the years 2000 (Re the CPS) with 2003 (re the RSPCA). Possibly this might be the moment to suggest that the RSPCA be requested to make full disclosure for the past (say) 10 years.

Notwithstanding, the figures produced by the CPS show little overall relevant change or deviation during the years 2000, 2001, 2002 and 2003 and, in consequence, are suitable for the purposes of comparison with and evaluation of the RSPCA’s figures for the year 2003.

A summary of this comparison is contained within the attached Chart A; one that is linked and cross referenced to the other attached supporting charts which themselves are evidenced and sourced for authenticity.

The major areas of concern in consequence for our analysis are that:-

- The RSPCA do not make full disclosure of all data. They are seemingly selective, not only upon what figures they disclose but also, and in many ways more importantly, the manner in which they so disclose.
- Figures produced by the RSPCA for the year 2002 show considerable disparities relative to “the number of Defendants” and “the Number of Defendants found Guilty”.
- upon a percentage basis:-
 - the number of defendants pleaded not guilty in prosecutions brought by the RSPCA is almost **3 times greater** than that in prosecutions brought by the CPS {See **Chart A (A4 & B4)**}
 - the number of defendants who pleaded not guilty and were found not guilty in prosecutions brought by the RSPCA is **10 times greater** than in prosecutions brought by the CPS {see **Chart A (A5 & B5)**}
 - the number of defendants who appealed in prosecutions brought by the RSPCA is almost **3 times greater** than in prosecutions brought by the CPS {see **Chart A (A9 & B9)**}.
 - the number of defendants who were successful in their appeals in prosecutions brought by the RSPCA is over **4 times greater** than successful appeals in prosecutions brought by the CPS {see **Chart A (A9 & B9)**}.

Sources of Information.

Chart A	Comparison of RSPCA figures for 2003 with those of the Crown Prosecution Service for 2002
Chart B	Figures supplied or provided by the RSPCA for the years 2002 and 2003
Chart C	Crown Prosecution figures for 2002 taken from Chart 5 & 6 (Home Office Lord Chancellor’s Department; Crown Prosecution Service Report)
Exhibit 1	Copy of Reply from J Ballard, Director General RSPCA
Chart 1	Figures taken from Exhibit 1 (J Ballard’s letter)
Chart 2	Extract from the RSPCA’s second submission to EFRA
Chart 3	Extract from the RSPCA’s 2003 Trustee’s Report
Chart 4	Extract from the RSPCA’s 2002 Annual Report
Chart 5	Extracts from the “Launch of the Animal Welfare Bill”
Chart 6	Extract from the Home Office Crown Prosecution Service 2002 Report
Chart 7	Extract from the Home Office Crown Prosecution Service 2002 Report

CHART A Comparison of RSPCA data with that of the CPS			Sources of Information					
			A			B		
			J Ballard (Dir. Gen. RSPCA) (see Chart 1)	Percentage	Chart Source/Calculation	Home Office: CPS (see Charts C: 5&6)	Percentage	Calculation/Chart Source
2003 RSPCA : 2000 CPS	1	No of Prosecutions	708		Chart 3 (P)			
	2	No of Defendants	967		Note 1	992500		Chart C(C4)
	3	No of Defendants who pleaded guilty	812	84%	A3/A2	937913	95%	Chart C(C5)
	4	No of Defendants who pleaded not guilty	149	16%	Chart 1(2) & A4/A2	54588	6%	Chart C(C6)
	5	No of Defendants who were found not guilty	33	22%	Chart 1(3) & A5/A4	16200	2%	Chart C(C8)
	6	No of defendants who were found guilty (inc NG pleas)	928	97%	A2-A5	976300	98%	Chart C (C7)
	7	No of defendants who pleaded not guilty and found guilty	116	78%	A4-A5	38388	70%	Chart C(C9)
	8	No of Defendants who pleaded not guilty, found guilty but appealed	31	27%	Chart 1(6)	14300	37%	Chart C(C13)
	9	No of Defendants found guilty who appealed re TOTAL Defendants	31	3%	Chart 1(6)	14300	1%	Chart C (C12)
	10	No of defendants who were successful at appeal (Convictions& Sentence)	17	55%	Chart 1(7)	3168	22%	
	11	No of defendants who were successful against sentence	16	52%	Chart C2(11) & A11/A8	1782	12%	Chart C(C18)
	12	No of Defendants who were successful against conviction	1	3%	Chart C2(12) & A12/A8	1386	10%	Chart C (C17)
<p>NOTE This figure is computed by adding:- (a) using the "928" figure contained within the RSPCA's 2nd submission of 928 for the year 2003; and (b) the number of defendants who were found not guilty in the figures supplied for 2003 by the RSPCA's Director General J Ballard. (i.e. 928+33)</p>								

CHART B			Sources of Information										
			A			B			C		D		
			J Ballard (Director General RSPCA)	Percentage	(Calculation Formula)	RSPCA Trustees' Reports 2002 & 2003	Percentage	(Calculation Formula)	Page 75 (para 5) Launch of the Draft AWB	Percentage	(Calculation Formula)	RSPCA's 2nd submission to EFRA	Percentage
2002	1	No of Prosecutions			699								
	2	No of Defendants			910		1006						
	3	No of Defendants who pleaded guilty											
	4	No of Defendants who pleaded not guilty											
	5	No of Defendants who were found not guilty											
	6	No of defendants who were found guilty					768			910			
	7	No of Defendants found guilty appealed								45			
	8	No of defendants who were successful at appeal								27			
2003	1	No of Prosecutions	708		Chart 3(O)	708							
	2	No of Defendants	1,017		Note 1	928							
	3	No of Defendants who pleaded guilty	868		A2-A4								
	4	No of Defendants who pleaded not guilty	149	15%	A4/A2								
	5	No of Defendants who were found not guilty	33	22%									
	6	No of defendants who were found guilty	984	97%	A6/A2					928			
	7	No of defendants who pleaded not guilty and found guilty	116	78%	A4-A7								
	8	No of Defendants who pleaded not guilty, found guilty but appealed	31	27%	A8/A7								
	9	No of Defendants found guilty who appealed re TOTAL Defendants	31	3%	A9/A6					31			
	10	No of defendants who were successful at appeal (Convictions& Sentence)	17	55%	A10/A8					17			
<p>Note 1 Paragraph 5 within page 74 of the "Launch of the Animals Welfare Bill states that in 2002 the TOTAL number of Defendants was 1006 However, the 2nd submission of the RSPCA to EFRA states the TOTAL number of Defendants CONVICTED as 910 The difference between these figures is 96 being 10% of the TOTAL number of Defendants and being The TOTAL number of Defendants in the above table has therefore been computed by applying the 10% figure to the 928 convicted total.</p>													

This Chart's Ref.	Cross Reference in Chart A	Charts 6 & 7 References	Chart C. Figures based upon and computed from the information contained within Charts 6 & 7.			CHART C	
			Note: Ref letters and figures in bold taken directly from Charts 6 & 7.				
Details			Figures		Basis for figures and/or calculations		
C1	Cross Reference in Chart A	A	All Defendants dealt with by CPS (100%)	1358800		Taken directly from the Home Office data	
C2		B	Defendants Committed to Crown Court	85900	6.32%	Taken directly from the Home Office data	
C3			Defendants dealt with at Magistrates Court	1272900		All Defendants (A) less Defendants committed to Crown Court (B): (A-B)	
C4		B2	G	Total Pleas	992500		Taken directly from the Home Office data
C5		B3	H	Pleaded guilty to some or all charges	937913	94.50%	Total pleas (G) multiplied by the percentage in the home Office Data (H): (G x H)
C6		B4	I	Pleaded Not Guilty to some or all charges	54587.5	5.50%	Total pleas (G) multiplied by the percentage in the home Office Data (I): (G x I)
C7		B6	C	Convictions at Magistrates Court	976300	98.37%	From the Home Office data (and Convictions (C) divided by Total Pleas (G)) (C/G)
C8		B5	D	Acquittals at Mag Court	16200	1.63%	From the Home Office data (and Acquittals at Mag Court (D) divided by Total Pleas (G) (D/G))
C9		B7		Pleaded not guilty but found guilty	38388	70.32%	Pleaded Not guilty (I) less Acquittals (D) and % of those who pleaded not guilty but found guilty
C10			E	Terminated	280400	20.64%	Taken directly from the Home Office data
C11				Bound over without trial	25458	2.00%	Taken directly from the Home Office data
C12		B8&9	K	Appeals (Sentence and Conviction) and as % of Total Defendants	14300	1.46%	From the Home Office data (and Appeals (K) divided by Convictions at Mag's Court (C): (K/C))
C13				Appeals (Sentence and Conviction) as a % of those who pleaded not guilty		37.25%	Number of appeals (K) divided by Not Guilty pleas but found guilty (C9) (K/C9)
C14			M	Appeals against Conv	6300	44.06%	From the Home Office data (and Appeals against conviction (M) divided by Appeals (K):(N/K))
C15			N	Appeals against Sentence	8100	56.64%	From the Home Office data
C16			L	Percent of appeals allowed/varied		22%	Taken directly from the Home Office data
C17		B12		Allowed against Conviction	1386		Number of appeals against conviction (M) multiplied by the Home Office percentage (L) (MxL)
C18		B11		Allowed against Sentence	1782		Number of appeals against sentence (N) multiplied by the Home Office percentage (L) (NxL)
C19			L	Percent allowed against sentence	22%		

Home Office, Land Chancellor's Office, Crown Prosecution Service data is shown in Charts 6 & 7



Registered Charity no. 210009

Royal Society for the Prevention of Cruelty to Animals

Our Ref: 2861697/JB/cb/enq

23 September 2004

Mr C Hendry MP
House of Commons
LONDON
SW1A 0AA

Dear Mr Hendry

Thank you for your letter dated 24 August 2004 and please accept my most sincere apologies for my delay in responding to your letter.

With regard to the email from your constituent, Captain Bryn Wayt, I hope the enclosed information will satisfy his questions, echoed on behalf of Mr Marsh, who, incidentally, has been contacted by Superintendent Wass.

I would be grateful if you could pass the following to Captain Wayt,

How many defendants pleaded not guilty?

149 defendants

How many were found not guilty?

33 defendants

How many that pleaded guilty did not have legal representation?

We do not record this information.

How many that pleaded not guilty had legal representation, and of those how many were found not guilty?

We do not record this information

How many convicted person appealed their conviction?

31 defendants

How many people were successful in their appeal?

17 defendants

How many cautions were offered and accepted?

387 defendants

How many cautions were refused?

No information available

Are cautions that are accepted included in the convictions figure of 1,829

No

Thank you again for writing to me.

Yours Sincerely

Jackie Ballard
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CHART 1

Contents of the letter sent to Miss Jackie Ballard, Director General, RSPCA, together with the quoted replies {see attached copy} made by Miss Ballard to the precise same questions asked of her by Mr. C. Hendry MP.

{Note: The numbers placed to the left of each question and response do not form part of the quoted letter. However, such numbers are the Reference Numbers for this particular Chart {i.e. Chart 1}

“Dear Ms. Ballard,

Superintendent Tim Wass was allowed to come onto the C-View Media Forum in order to try and allay some fears and myths regarding the RSPCA.

I asked him the questions below, and he replied that he had forwarded the questions to headquarters for accurate answers.

Superintendent Tim Wass has now, I believe, gone on holiday. Would it be possible for you to supply me with the answers?

I have added one further question to the list, which arises from the draft amendment to the Animal Welfare Bill. In it, it states that

"5. In 2002 (the latest available figures) there were 1,006 defendants proceeded against for offences under 1911 Act. 768 of whom were found guilty."

1. Could you please tell me the total number of defendants who pleaded Not Guilty {in the year 2002}.

J Ballard replied: No reply was made

The questions which had already been posed to Mr. Wass were:

The Inspectorate Statistics for 2003 quote:-

Prosecutions 708

Convictions 1,829

Defendants 928

2. How many defendants pleaded Not Guilty?

J Ballard replied: “**How many defendants pleaded not guilty?**
149 defendants”

3. How many were found Not Guilty?

J Ballard replied: “**How many were found not guilty?**
33 defendants”

4. How many that pleaded guilty did not have legal representation?

J Ballard replied: “**How many that pleaded guilty did not have legal representation?**”

{Chart 1 continued}

“We do not record this information.”

5. How many that pleaded not guilty had legal representation, and of those how many were found not guilty?

J Ballard replied: **“How many that pleaded not guilty had legal representation, and of those how many were found not guilty?”**
We do not record this information”.

6. How many convicted persons appealed their conviction?

J Ballard replied: **“How many convicted persons appealed their conviction?”**
31 Defendants”.

7. How many persons who appealed were successful in their appeal?

J Ballard replied: **“How many persons who appealed were successful in their appeal?”**
17 defendants”.

8. How many cautions were offered and how many cautions were accepted and how many were refused.

J Ballard replied: **“How many cautions were offered and how many cautions were accepted?”**
387 defendants”.

“how many were refused?”
No information available.”

9. Are cautions that are accepted included in the convictions figure of 1,829?

J Ballard replied: **“Are cautions that are accepted included in the convictions figure of 1,829?”**
No”.

CHART 2 Extract from RSPCA's second submission to EFRA

YEAR	NO OF DEFENDANTS CONVICTED	NO OF DEFENDANTS APPEALING	APPEALS DISMISSED (OR WITHDRAWN) I.E., CONVICTIONS STILL STANDING	APPEALS UPHELD IN PART I.E., CONVICTIONS STILL STANDING BUT ORIGINAL SENTENCE VARIED	APPEALS UPHELD I.E., CONVICTIONS QUASHED (% figure is % of appeals upheld of defendants convicted)
2002	910	45 (4.9%)	14	27	4 (0.4%)
2003	928	31 (3.3%)	14	16	1 (0.1%)
2004 (January-June)	406	22 (5.4%)	9	13	0

C
H
A
R
T

2

Chart Ref.	Year	Data Figures taken from the above data and as provided EFRA by the RSPCA.
	<u>2002</u>	
C2 1	No of Convicted Defendants	910 This is a misleading figure, as it does not provide the TOTAL number of Defendants
C2 2	No of Defendants Appealing	45 being 4.95% of TOTAL convicted Defendants. <i>Note: A more meaningful percentage figure would be that which applies to the number of defendants who pleaded not guilty but convicted.</i>
C2 3	Appeals dismissed	14 being 31.11% of those who appeal (C2 3/C2 2)
C2 4	Appeals upheld in part	27 being 60.00% of those who appeal (C2 2/C2 4)
C2 5	Appeals upheld against conviction	4 being 8.89% of those who appeal (C2 5/C2 2) <i>NOTE: The RSPCA figure of 0.4% misleading, as it is based upon the number of <u>convicted</u> Defendants; a number that includes those who pleaded guilty as well as those who pleaded not guilty. A more correct analytical figure would be a percentage of those defendants who appealed.</i>
	<u>2003</u>	
C2 6	No of Convicted Defendants	928 This is a misleading figure, as it does not provide the TOTAL number of Defendants
C2 9	No of Defendants Appealing	31 being 3.34% of TOTAL convicted Defendants. <i>Note: A more meaningful percentage figure would be that which applies to the number of defendants who pleaded not guilty but convicted.</i>
C2 10	Appeals dismissed	14 being 45.16% of those who appealed
C2 11	Appeals upheld in part	16 being 51.61% of those who appealed
C2 12	Appeals upheld against conviction	1 being 3.23% of those who appealed <i>NOTE: The RSPCA figure of 0.1% misleading, as it is based upon the number of <u>convicted</u> Defendants; a number that includes those who pleaded guilty as well as those who pleaded not guilty. A more correct analytical figure would be a percentage of those defendants who appealed.</i>

Inspectorate statistics 2003

Workload	2003	2002
Phone calls received	1,279,953	1,443,156
Cruelty complaints investigated	105,932	114,004
Rescues	11,806	11,311
Establishments inspected	3,166	2,557
Animal collections	182,570	183,609
Cruelty statistics	2003	2002
Prosecutions*	708	699
Convictions	1,829	2,000
Defendants	928	910
Penalties for cruelty	2003	2002
Prison and suspended sentences	55	64
Banning orders	698	880
Defendants who could have been banned but were not	168	187

*One prosecution could include two defendants and four convictions.

CHART 3

Extract from the
RSPCA Trustees Report 2003

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Cruelty Statistics

Figures taken from this information sheet:-

Ref	Details	Figures
O	Prosecutions	708
P	Convictions	1829
Q	Defendants	928

Workload	2002	2001
Phone calls received	1,443,156	1,509,317
Cruelty complaints investigated	114,004	123,156
Rescues	11,311	11,947
Establishments inspected	2,557*	8,264
Animal collections	183,609	184,706
Cruelty statistics		
Prosecutions**	699	736
Convictions	2,000	2,449
Defendants	910	949
Penalties for cruelty		
Prison and suspended sentences	64	61
Banning orders	880	734
Defendants who could have been banned but were not	187	175

* Because of a system change in 2002 this figure only represents pre-planned visits. Establishment visits are also carried out as a result of complaints received in respect of individual pet shops and kennels. These are not included in the 2002 inspection figures.

CHART 4

Extract from the published
RSPCA Annual Report 2002

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Cruelty Statistics

Figures taken from this information sheet:-		
Ref	Details	Figures
R	Prosecutions	699
S	Convictions	2000
T	Defendants	910

CHART 5 **Launch of the Animal Welfare Bill**

Regulatory Impact Assessment

Purpose and intended effect of measure

The risk that the bill addresses

4. The Act is expected to primarily impact on the number of prosecutions that are brought under the Protection of Animals Act 1911.
5. In 2002 (the latest available figures) there were 1,006 defendants proceeded against for offences under 1911 Act. 768 of whom were found guilty.
6. In 2002 the RSPCA rescued or picked up more than 194,000 animals, answered more than 1.4 million telephone calls and investigated 114,004 cruelty cases.

CHART 6. CPS PROSECUTIONS (Yr. 2000)

M A G I S T R A T E S C O U R T S	Magistrates' courts proceedings All defendants dealt with	1,890,000
	<i>CPS Prosecutions</i>	
	All defendants dealt with (=100%)	1,358,800
	Committed to Crown Court for trial	85,900 6.3%
	Convicted at magistrates' court	976,300 71.8%
	Acquitted: Total	16,200 1.2%
	Proceedings terminated early without trial: Total	280,400 20.6%
	Discontinued (%)	12.3%
	Written off (%)	6.2%
	Discharged (%)	0.1%
	Bound over without trial (%)	2.0%
	Conviction rate (as a % of cases proceeding to a hearing)	98.4%

	Total pleas (=100%)	992,500
	Pleaded guilty to some or all charges (includes proof in absence)	94.5%
Contested trial rate	6.0%	
Convicted after contested trial rate	70.5%	

Magistrates' courts proceedings

Figures taken from this information sheet:-

Ref	Details	Figures
A	All Defendants dealt with	1358800
B	Committed to Crown Court for Trial	85900
C	Convicted at magistrates' court	976300
D	Acquitted	16200
E	Proceedings terminated early	280400
F	Conviction rate (as % of cases proceeding to a hearing)	98.40%
G	Total pleas	992500
H	Pleaded guilty to some or all charges (includes proof in absence)	94.50%
I	Contested Trial rate	6.00%
J	Convicted after contested trial rate	70.50%

Note: The Reference Letters (A to I) on this chart cross reference with those within **Chart A**

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Source: Home Office Lord Chancellor's Department
Crown Prosecution Service "Criminal Justice Business Quarterly Report"

N E S S	and arraignment or start of trial	
	Bail (weeks)	15.5
	Custody (weeks)	9.6
	Total (weeks)	13.7
A P P E A L S	Criminal Appeals to the Crown Court	14,300
	Percentage allowed/varied	22%
	Appeals against conviction	6,300
	Appeals against sentence (only)	8,100
	Appeals to the Court of Appeal	2,330
	Percentage allowed/varied	63%
	Appeals against conviction heard	460
	Percentage allowed	33%
	Appeals against sentence (only) heard	1,870
	Percentage allowed	71%
P R I S O N	Prison receptions and population	
	Untried receptions	62,400
	Sentenced receptions: Total	94,800
	Up to 6 months	56,100
	Over 6 months and up to 4 years	32,100
	4 years and over (inc life)	6,700

CHART 7. CPS PROSECUTIONS {Yr. 2000}

Criminal Appeals to the Crown Court

Figures taken from this information sheet:-

Ref	Details	Figures
K	Appeals to Crown Court	14,300
L	Percentage of appeals allowed/varied	22%
M	Appeals against conviction	6300
N	Appeals against sentence (only)	8100

Note: The Reference Letters (**K to N**) on this chart cross reference with those within **Chart A**

Source: Home Office Lord Chancellor's Department
Crown Prosecution Service "Criminal Justice Business Quarterly Report"